

CITY OF MOUNTAIN VIEW

ENVIRONMENTAL PLANNING COMMISSION

MINUTES

NOVEMBER 17, 2004

7:00 P.M.

MULTIPURPOSE ROOM –
MONTA LOMA SCHOOL
460 THOMPSON AVENUE

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairperson LESTI.

2. ROLL CALL

Commissioners Present: Commissioners BROWN, JENSEN, WEAVER Vice Chair SIEGEL and Chairperson LESTI.

Commissioners Absent: Commissioners GREENE and MACIAS.

Staff Present: Elaine Costello, Community Development Director; Aarti Shrivastava, Principal Planner; Lynnne Melena, Senior Planner; and Whitney McNair, Planning Manager.

Others Present: Lisa Grote, City of Palo Alto; Hal Nicholson, Hewlett-Packard; John Ellis, James Meek and Rick Nelson, all from Toll Brothers; and there were approximately 100 members of the public in the audience.

3. MINUTES APPROVAL – None.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Donald Letcher, Mountain View, asked for a review of the Historical Building Ordinance, stating that the program becomes a mandatory program instead of voluntary if property is added to the list after the six-month opt-out period, at which time opt-out is no longer allowed.

5. PUBLIC HEARINGS

5.1 Consideration of Development Alternatives to be Reviewed in the Mayfield Environmental Impact Report

Geoff Ball, a professional facilitator, reviewed the ground rules for the public hearing on the Mayfield Mall project.

Community Development Director Elaine Costello explained that alternatives for the reuse and the future zoning for the Hewlett-Packard/Mayfield Mall site would be evaluated, but the decision on the zoning would not be made for many months. She presented background of the site development and explained that the City of Mountain View controls the zoning and the General Plan for the site, which lays out the permitted uses and the development standards for those uses. She noted that residential use was considered as a possible alternative for the site when Hewlett-Packard offered the property for sale and Toll Brothers was selected as the developer. She added that Toll Brothers pays all the costs of staff time and consultant time on the project, and no City General Funds are used to finance the review of the project.

Hal Nicholson, Attorney for Hewlett-Packard, explained how Hewlett-Packard arrived at their decision to sell the Mayfield Mall site and pointed out that Hewlett-Packard is currently under a binding legal obligation to proceed with the sale of the property to Toll Brothers.

Principal Planner Aarti Shrivastava described the development review process for the Mayfield Mall site, noting that the Environmental Planning Commission (EPC) will make a recommendation on whether to make the process sequential rather than concurrent at the December meeting. Principal Planner Shrivastava said the EPC will recommend land-use alternatives that will be studied in the Environmental Impact Report (EIR). She reviewed the "concurrent" work program where the developer can begin the informal Development Review Committee (DRC) process of its proposed project immediately while the EIR is being prepared, and she reviewed the "sequential" process with the Council, first deciding on whether the site should be rezoned followed by review of the specific project.

John Ellis, architect for Toll Brothers, stated that the proposed development was an opportunity to take advantage of offering transient-oriented development and to address Mountain View's jobs and housing imbalance. He described the goal of providing a variety of housing types, adding that the site is a good pedestrian

environment being within close proximity of the San Antonio train station and Central Expressway.

Senior Planner Linnie Melena explained that recommendations will be made on which land uses and zoning alternatives should be studied at the December 1, 2004 meeting. She explained that staff has developed options for public parks and street alignments, and three of these options can be combined with any of the housing alternatives. She described two of the three alternatives for the area of the site that is in Mountain View: (1) Single-Family Focus; and (2) Single-Family Transitioning to Multi-Family, noting that a variation of the second alternative is to have a retail component.

Planning Manager Whitney McNair described the third Multi-Family Focus alternative, which gives a full range of densities for consideration. She also discussed permitted uses for the No Project Alternative which is Existing Zoning, preferences for locations of parks, the street system configuration and whether or not to prepare a fiscal impact study.

Lisa Grote, Chief Planning Official in the City of Palo Alto, described the process and zoning in Palo Alto, noting that approximately 5 acres of the 27 acres on the Mayfield Mall site are in Palo Alto. She reviewed the expectations of Palo Alto for the development of the project and said a meeting will be held in early December in Palo Alto for further discussion.

Chair LESTI opened the hearing for public comment.

Adam Samuels, San Antonio Road in Palo Alto, spoke on behalf of Rosewalk, a townhouse association of 48 units, and expressed concerns about density alternatives, traffic study, EIR alternatives, site slope and grade, sequential or concurrent review, and fiscal review and impact.

Jeremy Siegel, Diablo Avenue, spoke on behalf of several Monta Loma neighborhood associations, expressing concern with the future use of the Mayfield Mall site and stated that the EIR process is inappropriate in determining the use of the Mayfield Mall site property. The group he represented made the following recommendations: (1) the City first make an overall decision with respect to the property, balancing community input and the relevant economic and social criteria that makes sense before looking at the environmental impact from any specific project; (2) the current expedited process for the Mayfield Mall site, which focuses on analyzing the developer's proposal in detail while giving limited review to other alternatives, will not provide either a biased or broad enough assessment of the potential uses of the Mayfield Mall site; (3) move forward with a zoning study

EIR and change the concurrent process to the sequential process; (4) as part of the zoning study EIR, approve the following uses for the Mayfield Mall site to be equally studied in depth in the following priority order: leave the zoning as it is, zoning for the Single-Family Focus, zoning for Single-Family Transitioning to Multi-Family, and the Toll Brothers specific project proposal; (5) approve a fiscal impact analysis; and (6) start budgeting to complete a sequential process.

Scott Rafferty spoke for the Monta Loma Neighborhood Preservation group and the Zoning Accountability Project. He shared the concerns of his group for the development of the property and endorsed the comments of the previous speaker. He expressed a need for a City-wide analysis of the use of the property, with the exception of housing, and recommended a zoning review committee paid for by the people of Mountain View, in the interest of the people of Mountain View.

Bill Murphy, Monta Loma resident, said the sale of the Mayfield Mall site offers an opportunity to open up an aesthetic quality of life for residents in The Crossings, Monta Loma and the adjacent neighborhood of South Palo Alto. He said the best use of the site is to create a greenbelt for the future of Mayfield Park, a satellite library and fields for sports leagues. He proposed that the EIR recommend no change to the existing zoning and a 30-year bond issue appear on the ballot to fund the purchase of the property.

John Step, certified arborist who lives in the neighborhood, said there are several valuable tree species on the property and recommended that the best use of the property would be as a park to save and protect the trees.

Gregory Frank, Lida Drive, felt that the land be zoned entirely for park and civic space, and residential use should be avoided.

Pat Jordan, Mountain View, spoke in support of the concept of affordable housing within a reasonable commute distance to work.

Mike Marr, Lassen Avenue, spoke of community values within the neighborhood, stating that the proposed large, high-density project would reduce the quality of life. He noted that a petition was generated to stop the high-density project and pointed out that the General Plan directs that all people within the process should celebrate Mountain View existing as it is.

Nola Mae McBain, President of the Monta Loma Neighborhood Association, requested on behalf of the neighborhood that the EPC review a survey of the neighborhood, explaining the source of concerns and the consideration of options

for the site. She added that the site is not suited for medium- to high-density housing, which would contribute to traffic congestion.

Gloria Jackson, Mountain View, spoke in support of a petition she started that says "Zoning As Is."

Jesslin Holumbo, Monta Loma resident, requested additional parking for the developer's proposal and for the private school on San Antonio Road in Palo Alto as well.

Sheri Morris, Anna Avenue in Monta Loma, said that although the site is a good destination point because of the train station, without a regional, integrated transportation program with buses and light rail that go out into the community quickly and effectively, people will not get out of their cars in a suburb.

Cathy Blake, Monta Loma resident, said that transit-oriented housing is not a proven thing and not the best option for the community.

Public comments then ended, and representatives of Toll Brothers answered written questions submitted by the audience.

James Meek, Toll Brothers, explained that one of the alternatives for the site may be transient-oriented, high-density residential, which is being built throughout the South Bay. He then answered questions from the audience.

Question: When do you propose to break ground and begin construction?

Answer: Development is a process, and we are in the very beginning of learning the process. We made a proposal to the City for what we believe is a great project, and we asked the City to study the project, and that process has not begun yet. At this point, the process is to take testimony, understanding the neighborhood's concerns, gathering information and discussing the alternatives. The environmental process has not been started yet, and the project has not been studied. The City studies the project and makes comments to the developer, and decisions are made based on your information.

Question: How much does Toll Brothers expect to charge for flats and townhouses?

Answer: Originally, this was based on current information that we had in neighboring, competing, new and existing attached uses, and it was somewhere in the range of \$500,000 to \$800,000, depending on the size and type of unit.

Question: What is the implication of Hewlett-Packard's binding agreement with Toll Brothers?

Answer: It is a private and binding agreement between two parties and part of that agreement is that he cannot discuss it.

Question: In e-mails to the City, Toll Brothers has indicated that less than 600 units would be unacceptable. This appears to make Alternatives 1 and 2 meaningless.

Answer: Our application is for slightly more than 600 units, which is what the business models were run on. That number of units is economically valuable for Toll Brothers and makes sense for a transit site. As units are reduced, there is a point at which it is not economically valuable. Where that point is depends on the type of units and other things that would be speculative for a long period of time.

Question: Given where we are in the rezoning process, why would Toll Brothers sign, as Hewlett-Packard described, a binding contract when it is not clear whether the site will actually be rezoned residential, let alone the residential with 600 to 800 density that Toll Brothers is proposing?

Answer: An agreement is entered into to make a proposal and go through the process and have it studied. Since the development has not been studied yet, the question cannot be answered.

Question: If the City decides either not to rezone to residential or zone to lower-density residential, what will Toll Brothers do with the site?

Answer: After the outcome is determined, then a decision would be made on what we would do.

Question: Why would Toll Brothers sign a binding agreement with Hewlett-Packard when there is no guarantee this site will be rezoned for their proposed application? Are there any assurances that the City has given to Toll Brothers?

Answer: I had no assurance from the City that the site would be approved. The current application, the zoning process and the environmental documents for a project of this size are going to run in excess of \$0.5 million to \$1.0 million. To spend that amount of money and not have an agreement with Hewlett-Packard is not the best financial decision to make in the development world.

Question: Are you bound to buy the property independent of whether or not you can build on it?

Answer: Mr. Meek said he could not respond because of the agreement.

Question: Toll Brothers has the reputation as a high-end, luxury home builder. When Toll Brothers appeared before Council, they heard encouragement for higher density. How much of Toll Brother's business plan is driven by economic development versus the Council's desire for high density?

Answer: It is a balancing act, and we are not in the business of pursuing applications in which there is no support from the public. We believe that transit sites are great, and we think this is an excellent site for high density; our application was made accordingly.

Question: At the initial community meeting in the process, Toll Brothers told us they wanted to listen to the neighborhood, hear our concerns and consider alternatives. If this was the case, why is Toll Brothers proposing a density 600 plus, which is clearly in opposition to the neighborhood's concerns and desires?

Answer: We have made an application so we can study a plan that we are proposing and will continue to listen and respond to the neighborhood's concerns, as well as the City as a whole, and those people who back up to the project.

Rick Nelson, Toll Brothers, said he will respond to a series of questions regarding some of the plans for the project. He said that parking will be permitted on all of the proposed streets whether they are public or private. He explained the distinction that a public street is built to City standards and certain widths, whereas private streets are somewhat narrower. If they do not meet the City standards, then the City does not typically maintain those streets. Therefore, they are maintained by the development.

Question: What is the mechanism for maintaining not only the private streets but the common areas associated with the development, the landscaping and the buildings?

Answer: A project like this is maintained through a homeowners association; and all of the homeowners pay monthly assessment fees for the maintenance, exteriors and roofs of the buildings and landscaping.

Question: Will the needs of seniors be met? It did not appear that the plan addressed seniors.

Answer: Several of the proposed housing types will have elevators in them and will meet Americans with Disabilities Act (ADA) requirements.

Question: Is Toll Brothers limiting the purchase to one unit per purchaser, and what would prevent other people from renting the units?

Answer: The proposal for the site is "for sale development." In order to deter investors from buying our product and to protect our homeowners, we go through a review process when a homeowner or a potential buyer is going to purchase one of our properties. The process involves prospective homebuyers filling out a qualification questionnaire, which helps to identify a party who does not intend to live there. Buyers are required to sign a document, with certain exclusions, that allows Toll Brothers to repurchase the home at the price they bought it for if they sell their home within one year or if they attempt to rent the home out.

Question: What are the impacts of the traffic-calming devices relating to off-site streets such as Thompson Avenue and Alvin Avenue?

Answer: Presuming that there are impacts to these particular streets, the impacts will be addressed in the environmental review as well as the appropriate mitigation measures to address that impact.

Question: Discuss the size of the proposed homes?

Answer: The range of square footage is anywhere from 1,100 to 2,300 square feet. The specific housing type has not been designed yet. The size of the proposed homes that are adjacent to the Monta Loma neighborhood, which are single-family, detached, would probably range somewhere between 1,600 to 2,200 square feet. The higher-density product ranges between 1,100 to 1,700 square feet.

John Ellis, architect for Toll Brothers, answered the following questions:

Question: Does the five-minute walking distance include a wait for traffic lights at Central Expressway?

Answer: The five-minute radius was drawn assuming that somebody walks at about 225' per minute, which is standard American walking speed.

Question: Address the concerns about the safety of bicyclists on narrower streets.

Answer: The intention would be to have bike lanes dedicated in order to maintain safety for cyclists.

Question: Why are narrower streets with on-site parking safe for bicyclists?

Answer: The intention is to slow traffic down, and narrower streets are safer than wider streets. Traffic-calming elements like bulb-outs, roundabouts and narrower roadways, do make a difference in terms of slowing traffic down.

Mr. Ellis explained that street design will be addressed in the detailed design of the project and discussed plans for bicycle routes.

Mr. Nicholson, representative of Hewlett-Packard, answered the following questions:

Question: Does the offer or bid between Hewlett-Packard and Toll Brothers make it impossible for other bids to be considered; for example, could a bid to use the building "as is" only come forward if Toll Brothers were turned down?

Answer: Mr. Nicholson responded affirmatively.

Question: Hewlett-Packard seems to have entered into a binding contract with Toll Brothers that excludes others at this time. Should the Mayfield site not become available for development by Toll Brothers: (1) is there a bail-out clause in the contract that would allow them to entertain other offers; (2) is housing mandatory; and (3) what will happen if zoning is not approved?

Answer: Hewlett-Packard has a binding commitment with Toll Brothers and is not in a position to entertain other offers. The contract has a confidentiality clause in it to prevent either party from talking about it.

Question: Why is it appropriate for Hewlett-Packard to sell the property within an implied zoning change that creates value instead of lowering the price to an amount that the market would bear with the present zoning?

Answer: Low-density residential use would entail a change in zoning on this property. There is a strong impetus to use the property for residential purposes, and that requires rezoning.

Question: What happens if the process is off track?

Answer: Hewlett-Packard is a bystander in a process. Toll Brothers is responsible for moving forward the project with the City.

Question: What is the sale price of the property?

Answer: Mr. Nicholson stated he was not authorized to discuss the sale price of the property.

Question: Hewlett-Packard has been known for its public commitment to support the community. How does the new Hewlett-Packard reconcile its ethical obligations to a developer with its obligation to Mountain View and Palo Alto?

Answer: When the Stanford contract fell through, only developers stepped forward to purchase the property, and the majority of the developers were residential.

Question: Monique Murphy, Mountain View, asked if the decision for a housing development was final in view of the binding commitment on Hewlett-Packard's property.

Answer: Mr. Nicholson responded that Toll Brothers cannot speak to the contract itself. He said Toll Brothers is a luxury home builder and does not do other things.

Community Development Director Costello explained that the City has received an application for a General Plan amendment and rezoning, both of which have to go through the process that was described earlier. She said the proposed property is not currently allowed by the zoning and must be rezoned; the General Plan has to be changed and the project has to be approved before the residential use can go forward. As such, from the City's perspective, it is not a done deal.

The Commission took a break and reconvened at 9:45 p.m.

Chair Lesti announced that additional public testimony would be taken at the December EPC meeting. Community Development Director Costello stated that the remaining questions would be copied for access and made part of the record.

Wouter Suverkropp, Aldean Avenue, asked if all the questions that were not answered tonight could be answered in writing and publicized before the December 1 meeting because of the impact of the questions on the opinions of the panel.

Chair LESTI responded that the number of questions is overwhelming. It appears from the categories that the questions are issues which are usually handled in the EIR report, and there is a holiday before the next meeting.

Community Development Director Costello concurred with Chair LESTI, explaining that at the December 1 meeting, the questions would be answered orally. She said that once the range of alternatives for the detailed questions is determined, studies will be started to answer them.

Chair LESTI confirmed that the questions will eventually be in writing, but it will be impossible to do them other than orally by December 1.

An audience participant asked if questions that would be answered at the December 1 meeting could be e-mailed to City staff and also become part of the public record?

Chair LESTI responded affirmatively and gave the e-mail address for that on the web site as *whitney.mcnaair@ci.mtnview.ca.us*.

6. **NEW BUSINESS** – None.

7. **COMMISSION/STAFF ANNOUNCEMENTS, QUESTIONS AND COMMITTEE REPORTS**

7.1 **Possible Upcoming Agenda Items**

- December 1, 2004 – Commission deliberation and recommendations on development alternatives to be reviewed in the Mayfield Mall EIR.
- December 15, 2004 – Study session on draft Rowhouse Guidelines.

Chair LESTI announced that the Mayfield Mall item would be continued to the December 15 meeting, if necessary, and that both meetings on this issue (December 1 and December 15) will be held in the City Council Chambers at 7:00 p.m.

7.2 **Announcements**

7.3 **Requests from Commissioners**

8. **ADJOURNMENT**

Chairperson LESTI declared the meeting adjourned at 10:07 p.m. with the consensus of the Commission to the Regular Meeting of Wednesday, December 1, 2004.

Respectfully submitted,

Aarti Shrivastava, Secretary
Environmental Planning Commission

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